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Please find below and/or attached an Office communication concerning this application or proceeding.

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Continuation of Attachment(s) 3). Information Disclosure Statement(s) (PTO/SB/08), Paper No(s)/Mail Date :8/9/07; 8/16/07; 9/4/07; 9/14/07; 9/18/07; 10/8/07; 10/11/07; 10/12/07; 11/21/07.

DETAILED ACTION

Response to Amendment

1. The declaration filed on 10/8/07 under 37 CFR 1.131 is sufficient to overcome the (*USP 6546003*) or (*USP 6292478*) reference.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 6-7, 13-16 and 18-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Turock in view of Guys (*USP 6298057*).

Regarding claim 1, Turock discloses a method of telecommunication over a wide area packet switched network (Fig 2, Ref 214 is a WAN), the method comprising sending from a calling party a called number, corresponding to a called party (Fig 12a, Ref 420) and including an area code, to a first central office connected to a first telephone system (Fig 2, Ref 202 is a user for sending a telephone number of called party to a central office 212 which is connected a first telephone system 210); forwarding the called number from the first central office to a first telephony server, connected to the first telephone system and in communication with the wide area packet switched network, via a signaling channel of the first telephone system (Fig 2, the central office 212 forwards the called party telephone number to the Server 206 and Fig 3, Ref 204 sends a called party number to the central office 218 via a signaling channel of the first

telephone system; the central office will forward the called party telephone number to server 216 of Fig 3); identifying a second telephony server, in communication with the wide area packet switched network and serving said called party in a second telephone system, from a routing and administration database by using at least said area code (Fig 5, Ref 506 searches for a ITS node which serves the called party telephone number in the routing and administration database 514 by using an area code number; the database replies a message which includes a destination address of the destination server; See col. 9, lines 26-65); sending the called number from the first telephony server to the second telephony server via said wide area packet switched network (Col. 12, line 58 to col. 13, line 27). However, Turock fails to disclose allocating a resource on the wide area packet switched network sufficient to provide a guaranteed level of service through the wide area packet switched network; and selectively establishing a communication link, via the resource at least the guaranteed level of service, between the first telephony server and the second telephony server through the wide area packet switched network, to establish communication between the calling and called parties. In the same field of endeavor, Guys discloses disclose allocating a resource on the wide area packet switched network sufficient to provide a guaranteed level of service through the wide area packet switched network (Fig 5 discloses a method and apparatus for established a communication path with a guaranteed level of service 520, 522, 526 of Fig 5 between the servers 130 and 112 of Fig 1 and established a voice communication path between the calling and called parties via a predetermined path between the servers by using RSVP; the server judges if the calling party requests a guaranteed level of service or not; See Fig 5, Ref 520); and selectively establishing a communication link, via the resource at least the guaranteed level of service, between the first telephony server and

the second telephony server through the wide area packet switched network, to establish communication between the calling and called parties (Fig 5, Ref 532).

Since, Turock suggests that a voice quality must takes into consideration by applying a number of different techniques to improve a voice quality between the servers and Guy discloses a RSVP which is well known in the art for using to reserve the bandwidth for the communication devices on the internet. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to apply a method and apparatus for using RSVP for allocating resource by sending a path message from the first server to second server and receiving at the first server a reservation message from the second server wherein the reservation message is transmitted via a same route that the path message travels from first to second server for conveying the voice packets via after establishing a communication link between the parties as disclosed by Guys's method and system into Turock's method and system. The motivation would have been to turn the Internet into a reliable telecommunication network.

Regarding claim 6, Guys discloses the identifying step comprises receiving a network address of the second telephony server on the wide area packet switched network (Fig 5, Ref 510).

Regarding claim 7, Turock discloses the step of sending the called number from the first telephony server to the second telephony server comprises sending a first signaling data packet carrying the called number as payload data and the second telephony server network address as a destination address to a router selectively routing data packets within the wide area packet switched network, the router sending the first data packet via a predetermined communication

path based on the destination address (Col. 9, line 27-65, LCR selects a path between the servers based on cost of the call or other parameters).

Regarding claims 13-16, Turock discloses receiving at the first telephony server first data packets carrying an identifier for the established communication link and communication samples being voice samples from the called party via the wide area packet switched network (Fig 5, Ref 206); forwarding the received communication samples to the first central office on an assured trunk line based on the identifier (Fig 4, Ref 212 and 206); and supplying the communication samples received on the assured trunk line from the first central office to the calling party (Fig 4, Ref 202); receiving at the first telephony server a second data packet carrying an identifier for the established communication link and signaling information indicating a condition of the called party (Col. 13, lines 47-57 and Fig 10); generating a signaling message to the first central office from the first telephony server based on the signaling information; and in the first central office, initiating a response for the calling party based on the signaling message by disconnecting the calling party (Col. 13, lines 47-57 and Fig 10).

Regarding claims 18-19, Turock discloses the wide area packet switched network is Internet, the identifying step comprising translating an Internet Protocol (IP) address of the second telephony server from the area code (Col. 9, lines 27-54) and outputting from the first telephony server first packets having the IP address of the second telephony server to a router, the router forwarding the first packets along a predetermined communication path based on the IP address of the second telephony server (Col. 9, lines 27-54, LCR selecting a path based on cost or other parameters).

4. Claims 8-10, 12, 20-21 and 28-29 rejected under 35 U.S.C. 103(a) as being unpatentable over Turock and Guys as applied to claim 1 above, and further in view of Mattaway (USP 6185184).

Regarding claims 8-10 and 12, Turock discloses sensing at the first central office if the calling party is hang-up, forward the hang-up message to the server (Col. 13, lines 47-57), suspending transmitting of the voice packet (Col. 13, lines 28-46) and transmitting the hang-up message to the second server (Col. 13, lines 47-57). Guys discloses first and second signaling packets are exchanged between the servers according the guaranteed service level, wherein the second signaling packet includes a condition of called party and the voice packet is transmitted based on the condition at least at a minimum data rate according to the guaranteed level of service (Fig 5, Ref 512 is first signaling, Ref 514 is second signaling and Ref 532 for transmitting voice packet at guarantee service level Ref 526). Turock and Guys fail to disclose generating a session identifier identifying a call attempt between the calling party and the called party; and including the session identifier in the packets. In the same field of endeavor, Mattaway discloses a method and system for generating a session number for identifying the call attempt between the parties and includes this session number into the messages (Fig 9, Ref 76). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to apply a method and system for using the session number to identify the parties of a conference as disclosed by Mattaway into the teaching of Turock and Guys. The motivation would have been to prevent the first system establishing a communication link with an unintended party.

Regarding claim 20, Turock discloses a method of telecommunication over a wide area packet switched network, the method comprising in a first telephony server (Fig 4, Ref 206) connected to a first telephone system, receiving via a wide area packet switched network a first data packet transmitted by a second telephony server (Fig 4, Ref 216) of a second telephone system, the first data packet having a destination address corresponding to the first telephony server and a destination number having an area code served by the first telephony server (Fig 6A, 622); initiating a query by the first telephony server for determining via a signaling communication network of the first telephone system a condition of the destination number from a first central office serving the destination number (Fig 6A, Ref 626); sending a second data packet carrying said condition from the first telephony server to the second telephony server (Fig 6A, Ref 626). However, Turock fails to disclose allocating at least one network resource to support a guaranteed level of service through the wide area packet switched network and selectively establishing a communication link via the resource to provide the guaranteed level of service between the first telephony server and the second telephony server through the wide area packet switched network, to enable communication between the destination number and a station served by the second telephony server and session ID included in the packets. In the same field of endeavor, Guys discloses query the condition of called number (Fig 5, Ref 512), reply the condition to the second server (Fig 5, Ref 514) and allocating at least one network resource to support a guaranteed level of service through the wide area packet switched network and selectively establishing a communication link via the resource to provide the guaranteed level of service between the first telephony server and the second telephony server through the wide area packet switched network, to enable communication between the destination number and a station

served by the second telephony server (Fig 5, Ref 526). However, Turock and Guys fail to disclose session ID in the packets. In the same field of endeavor, Mattaway discloses a method and system for generating a session number for identifying the call attempt between the parties and includes this session number into the messages (Fig 9, Ref 76). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to apply a method and system for using the session number to identify the parties of a conference as disclosed by Mattaway into the teaching of Turock and Guys and apply a method and apparatus for using RSVP for allocating resource by sending a path message from the first server to second server and receiving at the first server a reservation message from the second server wherein the reservation message is transmitted via a same route that the path message travels from first to second server for conveying the voice packets via after establishing a communication link between the parties as disclosed by Guys's method and system into Turock's method and system. The motivation would have been to turn the Internet into a reliable telecommunication network and prevent the first system establishing a communication link with an unintended party.

Regarding claim 21, Turock discloses the selectively establishing step comprises establishing the link on a predetermined communication path in the wide area packet switch network (Fig 5, Ref 526, 528 and 532).

Regarding claim 28, Guys discloses comprising initiating a line-sided connection between the first telephony server and the destination number in response to the first central office specifying said condition as an available condition (Fig 5, Ref 512).

Regarding claim 29, Turock the signaling communication network is a common channel interoffice signaling network (Fig 4).

5. Claim 30 rejected under 35 U.S.C. 103(a) as being unpatentable over Turock in view of Mattaway (USP 6185184).

Regarding claim 30, Turock discloses a method of telecommunication over a wide area packet switched network, the method comprising sending from a calling party a called number, corresponding to a called party, to a first central office (a user for sending a telephone number of called party to a central office Fig 2, 208) connection to a first telephone system (Fig 2, Ref 210); forwarding the called number from the first central office to a first telephony server (Fig 2, Ref 206), connected to the first telephone system and in communication with the wide area packet switched network (Fig 2, Ref 6), via a signaling channel of the first telephone system (Fig 2, the central office 208 forwards the called party telephone number to the Server 206 and Fig 3, Ref 204 sends a called party number to the central office 218 via a signaling channel of the first telephone system; the central office will forward the called party telephone number to server 216 of Fig 3); identifying a second telephony server, in communication with the wide area packet switched network and serving said called party in a second telephone system, from a routing and administration database by using at least a part of the called number (Fig 5, Ref 506 searches for a ITS node which serves the called party telephone number in the routing and administration database 514 by using an area code number; the database replies a message which includes a destination address of the destination server; See col. 9, lines 26-65); sending a signaling message from the first telephony server to the second telephony server via said wide area packet switched network, the signaling message comprising the called number (Col. 10, lines 54-67); and communicating a plurality of packets containing audio information between the first and second telephony servers through the wide area packet switched network, to establish telephone

communication between the calling and called parties (Col. 13, lines 28-46). However, Turock fails to disclose generating a session identifier identifying a call attempt between the calling party and the called party for inserting into the packets. In the same field of endeavor, Mattaway discloses a method and system for generating a session number for identifying the call attempt between the parties and includes this session number into the messages (Fig 9, Ref 76).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to apply a method and system for using the session number to identify the parties of a conference as disclosed by Mattaway into the teaching of Turock. The motivation would have been to prevent the first system establishing a communication link with an unintended party.

6. Claim 31 is rejected under 35 U.S.C. 103(a) as being unpatentable over Turock and Mattaway as applied to claim 30 above, and further in view of Guys (USP 6298057).

Regarding claim 31, Turock and Mattaway fails to disclose allocating a resource on the wide area packet switched network to communications between the calling party and the called party; and communicating the packets containing audio information through the wide area packet switched network using the allocated resource. In the same field of endeavor, Guys discloses allocating a resource on the wide area packet switched network to communications between the calling party and the called party (Fig 5, Ref 526); and communicating the packets containing audio information through the wide area packet switched network using the allocated resource (Fig 5, Ref 532).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to apply a method and apparatus for using RSVP for allocating resource by

sending a path message from the first server to second server and receiving at the first server a reservation message from the second server wherein the reservation message is transmitted via a same route that the path message travels from first to second server for conveying the voice packets via after establishing a communication link between the parties as disclosed by Guys's method and system into a method and system of Turock and Mattaway. The motivation would have been to turn the Internet into a reliable telecommunication network.

7. Claim 36 rejected under 35 U.S.C. 103(a) as being unpatentable over Turock in view of Guys (USP 6298057).

Regarding claim 36, Turock fails to disclose allocating a resource along the path for the communication link, such that the communication link will provide at least a guaranteed minimum level of service throughout the communication of the telephone information. In the same field of endeavor, Guys discloses allocating a resource along the path for the communication link, such that the communication link will provide at least a guaranteed minimum level of service throughout the communication of the telephone information (Fig 5, Ref 526).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to apply a method and apparatus for using RSVP for allocating resource by sending a path message from the first server to second server and receiving at the first server a reservation message from the second server wherein the reservation message is transmitted via a same route that the path message travels from first to second server for conveying the voice packets via after establishing a communication link between the parties as disclosed by Guys's

method and system into Turock's method and system. The motivation would have been to turn the Internet into a reliable telecommunication network.

Response to Arguments

8. The applicant states that the examiner must clarify if claims 2-5, 11, 17, 22, 32-34 and 37 are objected or rejected. Claims 2-5, 11, 17, 22, 32-34 and 37 are objected after the applicant files the declaration.

Allowable Subject Matter

9. Claims 2-5, 11, 17, 22, 32-34 and 37 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Regarding claim 2, the prior arts fail to disclose the identifying step comprises sending a routing request via the wide area packet switched network from the first telephony server to a routing and administration server having said routing and administration database, the routing request including said area code; and receiving from the routing and administration server via the wide area packet switched network a routing response including the identity of said second telephony server and a predetermined communication path corresponding to the second telephony Server.

Regarding claim 5, the prior arts fail to disclose the identifying step comprises accessing said routing and administration database within said first telephony server to obtain the identity

of said second telephony server and the guaranteed level of service corresponding to the calling party.

Regarding claim 11, the prior arts fail to disclose the first traffic data packet sending step comprises receiving a third signaling data packet carrying said session identifier and a rate change request having a value based on traffic along said predetermined communication path; and outputting the third data packets at a changed data rate based on the received data rate value and in according with the guaranteed level of service.

Regarding claim 17, the prior arts fail to disclose the selectively establishing step setting the communication link along a predetermined communication path within comprises said wide area packet switched network; and changing a data rate of the communication link based on traffic on the predetermined communication path.

Regarding claim 22, the prior arts fail to disclose changing a data rate of the communication link based on traffic on the predetermined communication path.

Regarding claim 32, the prior arts fail to disclose the identifying step comprises sending a routing request message via the wide area packet switched network from the first telephony server to a routing and administration server having said routing and administration database, the routing request message including said at least part of the called number; and receiving from the routing and administration server via the wide area packet switched network a routing response including the identity of said second telephony server and the identity of a predetermined communication path through the wide area packet switched network to the second telephony server capable of providing a guaranteed level of service.

Regarding claim 37, the prior arts fail to disclose the identifying step comprises sending a routing request via the wide area packet switched network from the first telephony server to a routing and administration server having said routing and administration database; and receiving from the routing and administration server via the wide area packet switched network a routing response including the identity of said second telephony server and an identification corresponding to the predetermined communication path to the second telephony server.

Conclusion

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven H.D Nguyen whose telephone number is (571) 272-3159. The examiner can normally be reached on 8:00-4:30.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jayanti Patel can be reached on (571) 272-2988. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Steven H.D Nguyen
Primary Examiner
Art Unit 2619